



IMMINENT DEATH PROCESSING

**US Army Physical Disability Agency
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Imminent Death Processing Outline



Legislative Basis

The Process

The Benefits



Legislative Basis



Title 10 USC 1448 (d) SBP

**Department of Defense Instruction 1332.38
E3.P1.6.4 Imminent Death Processing**

**AR 635-40 Physical Evaluation for Retention, Retirement or
Seperation
Paragraph 3-14 Factors governing time of processing**

**AR 40-400 Patient Administration
Chp 7 Military Personnel Physical Disability Processing
Paragraphs 7-3; 7-7; 7-8; 7-10**



Imminent Death Processing History



28 December 2001, NDAA for FY 2002 includes Section 642, which expands benefits for the SBP, eligibility date is 10 Sept 2001. The NDAA is Public Law 107-107

Jan 02 OSD (OEMP) staffs guidance to end the IDP (Army, Navy, AF nonconcur)

1 May 2002 Implementing Guidance received from Department of Defense, (Compensation Directorate) for Active Duty Deaths

10 May 2002 Information Paper prepared by DAJA-LA

10 July 02 OSD (OEPM) staffs guidance continueing IDP while legislative changes are being explored.



Imminent Death Processing History



- 22 Nov 02** **Mr. Abell issues memo to the Services to continue IDP while the child only SBP election is explored for all AD deaths.**
- 31 Jan 03** **DAPE-RSO issues information paper on Active Duty Deaths and Survivor Benefit Plan**



Physical Disability Evaluation System



PROCESSING THE MEDICAL EVALUATION BOARD PHYSICAL EVALUATION BOARD





WHAT IS “IMMINENT”?



When competent medical authority determines that a soldier's death is expected within 72 hours.

WHAT IS REQUIRED?

All documents, processing, LODs, counseling, and quality of data/evidence must be identical to that required in any other disability case. Only circumstances of case are different and attempt to complete MEB/PEB within time constraints BEFORE death.

If diagnoses, opinions, and conclusions are not supported by “substantial evidence” then, as in every other MEB, the PEB will have to request clarification or additional evidence before adjudicating the case.



WHAT THE IMMINENT DEATH PROGRAM IS

- * A good faith attempt to ...
 - a. To expedite MEB/PEB process
 - b. To assist family members in obtaining additional benefits

WHAT THE IMMINENT DEATH PROGRAM IS NOT

- * An attempt to ...
 - a. Circumvent the required process
 - b. Delay “official” declaration of death to “help” the soldier’s family acquire additional benefits



Physical Disability Evaluation System



THE BENEFITS





Summary Comparison of Selected Benefits



<i>Benefit</i>	<i>Death on Active Duty</i>	<i>Death in Retired Status</i>
Servicemember's Group Life Insurance (SGLI) (maximum \$250K)	Yes	Yes Coverage extended up to 1 yr, or until loss of 100% disability
Death Gratuity (\$6,000)	Yes	Yes IF death occurs within 120 days and is svc-connected
VA Dependency and Indem- nity Compensation (DIC) (\$948 to spouse; \$247 to each child)	Yes	Yes
Survivor Benefit Plan (SBP) Spouse SBP offset by DIC (\$948 in 2003)	Yes Payable only to spouse, or if no spouse, eligible children	Yes *
Supplemental SBP Increases SBP after age 62 (normally reduces to 35%)	No	Yes Only in spouse or spouse/child elections
Eligibility for VA \$10K Service Disabled Veterans Insurance (SDVI)	No	Yes

*In situations where the Service makes the SBP election on the imminent death retired soldier's behalf, the annuity and to whom payable varies widely. These cases are dependent on factors such as: the spouse's age; whether there are children; the youngest child's age; incapacity of any children; whether the spouse is pregnant; existing court orders awarding SBP to a former spouse; impact of future remarriage on benefit entitlement; whether a single soldier has a relative that would qualify as an insurable interest beneficiary.



Mortuary Affairs Benefits Comparison

Active Duty Versus TDRL



Benefit	Active duty	TDRL continuously hospitalized	TDRL Discharged from hospital
Preparation of remains to include cremation	Yes	Yes	No
Casket or urn	Yes	Yes	No
Transportation of remains	Yes	Yes	Restricted (see footnote 1)
Escort for remains	Yes	Yes	No
Interment allowance (see footnote 2)	Yes	Yes	No
NOK Travel	Yes	No	No
Family funeral travel	Yes	No	No
Interment flag and case	Yes	Yes	No
Burial Honors	Yes, Full	Yes, limited	Yes, Limited



Notes



1. Transportation of remains at government expense authorized only when the death occurs while a properly admitted inpatient of a military hospital.
2. Army allowance for private cemetery \$4325, government cemetery \$3000. Under certain circumstances the VA may pay an interment allowance. This allowance is less than the Army allowances.

The TDRL discharged from hospital is the real danger, hospitals frequently discharge patients when in actuality they are transferring the patient to another hospital. The discharge even though intended as a transfer disqualifies the individual from benefits.

We have few who currently die in the discharged category because the Army uses a more generous definition of continuously hospitalized than the other Services. We include Veterans' Affairs Hospitals, domiciliary care, hospice care, home health care and treatment in civilian hospitals when directed by the appropriate medical authorities. If we use the more restricted definition used by the other Services we will have significantly more deaths in the discharged category.